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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/579,901 05/26/00 GLANZMANN

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PM82/0907

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EXAMINER

FRIEDRICH KUEFFNER
342 MADISON AVENUE
SUITE 1921
NEW YORK NY 10173

MACKEY, D	
ART UNIT	PAPER NUMBER

3651
DATE MAILED:


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09/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/579,901	Applicant(s) Glanzmann	
Examiner Patrick Mackey	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 26, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 26, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 20) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "26". Correction is required. (Note: page 11, line 12, "29" apparently should be "26")

Specification

3. The disclosure is objected to because of the following informalities: On page 10, lines 22-23, "... disc 29, respectively, of the transport disc 14." apparently should read "... securing disc 29 and the transport disc 14, respectively."

Appropriate correction is required.

Claim Objections

4. 37 CFR 1.75(i) states, "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." Claims 1-17 are objected

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to as failing to comply with 37 CFR 1.75(i). In addition, claims 1-17 are objected to because the independent claim does not have a preamble or a transitional phrase in accordance with standard USPTO practice.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 8-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Koren (EP 0663363A1). Nelson discloses a folded sheet opening device with a transport disc (30) fixedly connected to a shaft of a first opening drum (see Figures 13 and 14) which has an outer elastic support (30c), fastened to a disc body of the transport disc with a screw (see Figure 4), cooperating with a securing disc (29) of a second opening drum (see Figures 13 and 14) to clamp an individual printed sheet (15) between the outer elastic support and the securing disc for transporting the individual printed sheet to a transport device (32). The printed sheet feeder is a gather-stitcher feeder (see col. 1, line 21). Nelson emphasizes the importance of fully controlling the sheets across their entire width to ensure proper positioning of inserts (see col. 3, lines 55-74). Nelson discloses all the limitations of the claims, but it does not disclose that the outer elastic support has an outer bearing layer, a compensation area, a radial

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compression area, an inner layer, or a plurality of stays formed as ledges or lamellas which are positioned at a slant to a radial line. However, Koren (EP0663363A) discloses an outer elastic support for a rotating disc (roller). Koren discloses that the outer elastic support includes an outer bearing layer (3), a compensation area (2), a radial compression area (9, 14), an inner layer (20), and a plurality of stays formed as ledges or lamellas which are positioned at a slant to a radial line (see Figure 5) for the purpose of controlling the position of sheets by spreading them widthwise. Koren discloses that the compensation area is more elastic in the radial direction than the outer bearing layer and that the radial compression area has a thickness at least substantially matching a radial thickness of the outer bearing layer. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Nelson by utilizing the outer elastic support disclosed by Koren for the purpose of controlling the position of sheets by spreading them widthwise.

7. Claims 1, 5-7, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Koren (EP 0663363A1) as applied to claims 1, 5, and 12 above, and further in view of Tebbe et al. Nelson and Koren together disclose all the limitations of the claims, but they don't disclose that the outer elastic support is made of polyurethane. Rather, they disclose that the outer elastic support is made of rubber. However, Tebbe discloses that polyurethane is an equivalent material known in the art (see col. 11, lines 45-47). Polyurethane is easier to clean than rubber. Therefore, because these two materials were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it


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obvious to substitute polyurethane for rubber for the purpose of providing an easy to clean surface.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Mackey whose telephone number is (703) 308-0630.



PATRICK H. MACKEY
REGISTERED EXAMINER

Patrick Mackey

September 5, 2001